



2882 #6  
BT  
10-4-02  
Patent  
270/234

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yoshihiro Takai et al.

Serial No.: 10/037,477

Filed: January 2, 2002

For: METHOD AND APPARATUS FOR  
IRRADIATING A TARGET

) Group Art Unit: 2882

) Examiner: Not Yet Assigned

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

### INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

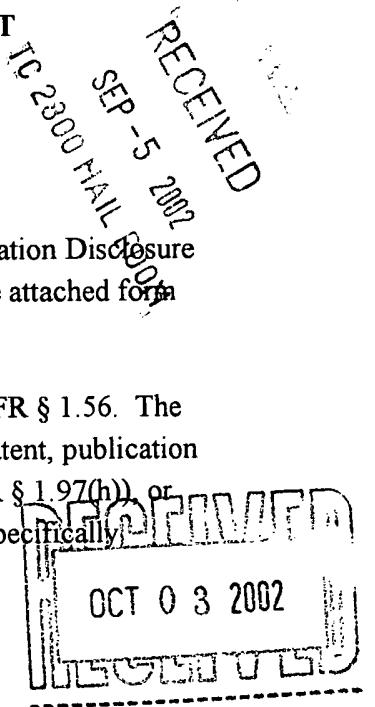
- This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

### CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

August 27, 2002  
Date of Deposit

Angelica Jaquez  
Name of Person Mailing Paper  
Signature of Person Mailing Paper



- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
- The fee due under 37 CFR § 1.17(p) is submitted herewith.
- A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
- This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**STATEMENT UNDER 37 CFR § 1.97(e):**

- Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Lyon & Lyon's Deposit Account No. 12-2475.

Respectfully submitted, OCT 03 2002  
LYON & LYON LLP

Ziye Zhou  
Reg. No. 41,423

Dated: August 27, 2002

By:



22249

LYON & LYON LLP  
633 W. Fifth Street, Suite 4700  
Los Angeles, CA 90071

FORM PTO-1449

LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S  
INFORMATION DISCLOSURE STATEMENT

SEP 8 3 2002 (Use several sheets if necessary)

ATTY. DOCKET NO.  
270/234SERIAL NO.  
10/037,477APPLICANT:  
Yoshihiro Takai et al.FILING DATE:  
January 2, 2002GROUP:  
2882

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
AA	5,207,223	5/4/93	Adler	128	653.1	10/19/90
AB	5,427,097	6/27/95	Depp	128	653.1	12/10/92
AC	6,144,875	11/7/00	Schweikard et al.	600	427	3/16/99
AD	6,222,901	4/24/01	Meulenbrugge et al.	378	19	3/12/99

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	TRANSLATION NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

AE	Yonesaka A. et al., "Application of real-time tracking radiation therapy (RTRT) system for the treatment of spinal and paraspinal diseases"; <i>J. Radiat Oncol. Biol. Phys.</i> , 2001; 51 (3S1): Abstract No. 44., PMID: 14; 2 pp.
AF	Jolesz, Ferenc A., M.D., "IMAGE-GUIDED PROCEDURES AND THE OPERATING ROOM OF THE FUTURE"; <i>Brigham and Women's Hospital, Harvard Medical School</i> ; pp. 1-23.
AG	Shimizu, S., et al., "Fluoroscopic Real-Time Tumor-Tracking Radiation Treatment (RTRT) Can Reduce Internal Margin (IM) and Set-up Margin (SM) of Planning Target Volume (PTV) for Lung Tumors; 2 pp.
AH	Kitamura, K., et al., "Migration of the Internal Fiducial Gold Marker Implanted into Prostate and Liver treated with Real-Time Tumor-Tracking Radiation Treatment (RTRT)", <i>Hokkaido University School of Medicine, Sapporo, Japan</i> ; 2 pp.
AI	Kitamura, Kei et al.; "3D INTRA-FRACTIONAL MOVEMENT OF PROSTATE MEASURED DURING REAL-TIME TUMOR TRACKING RADIATION THERAPY [RTRT] IN SUPINE AND PRONE TREATMENT POSITIONS"; <i>Department of Radiology and Urology, Hokkaido University School of Medicine</i> ; 15 pp.
AJ	Fujita K., "Three-dimensional conformal set-up of prostate cancer by adjustment of actual clinical target volume (CTV) to virtual CTV using three fiducial markers and fluoroscopic real-time tracking system.", <i>J. Radiat. Oncol. Biol. Phys.</i> , 2001; 51 (3S1): Abstract No. 2303, PMID: 16; 2 pp
AK	Benedict, Stanley H., "Looking Into Patient Positioning and Organ Motion", <i>VCU Health System</i> , pp. 1-10.

EXAMINER:  
Not Yet Assigned

DATE CONSIDERED:

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609;  
Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant